

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

**JAN 27 2014**

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ENRIQUE LOPEZ SOLANO,

Defendant.

CR 13-78-BLG-DWM

ORDER

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on January 8, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

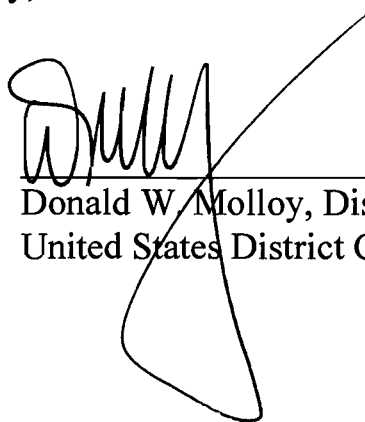
*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Ostby recommended this Court accept Enrique Lopez Solano's guilty plea after Solano appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to Count IV of the Indictment, which charges the crime of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1).

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 61), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Enrique Lopez Solano's motion to change plea (Doc. 48) is GRANTED.

DATED this 27<sup>th</sup> day of January, 2014.



Donald W. Molloy, District Judge  
United States District Court